

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

SIE ERVINE,

2:10-CV-1494 JCM (RJJ)

Plaintiff,

V.

**DESERT VIEW REGIONAL
MEDICAL CENTER HOLDINGS
LLC., et al.,**

Defendants.

ORDER

Presently before the court is defendants Georges Tannoury's (M.D.), Malin Kerry's, Kerry Malin's and Specialty Medical Center's motion for summary judgment. (Doc. #33). Defendant Desert View Regional Medical Center Holdings, LLC, filed a joinder. (Doc. #34). The plaintiff has responded (doc. #35), and the defendants have replied (docs. #36, 37).

Summary judgment is appropriate when, viewing the facts in the light most favorable to the nonmoving party, there is no genuine issue of material fact, and the moving party is entitled to judgment as a matter of law. *Bagdadi v. Nazar*, 84 F.3d 1194, 1197 (9th Cir. 1996); FED. R. CIV. P. 56(c). The moving party bears the burden of presenting authenticated evidence to demonstrate the absence of any genuine issue of material fact for trial. *Celotex Corp. v. Catrett*, 477 U.S. 317, 323 (1986); see *Orr v. Bank of America*, 285 F.3d 764 (9th Cir. 2002) (articulating the standard for authentication of evidence on a motion for summary judgment).

Whereas the defendants have failed to properly authenticate any of the evidence provided to

1 support the motion for summary judgment under the standards set forth in *Orr*, the court declines
2 to consider the merits of the motion at this time.

3 Accordingly,

4 IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that defendants' motion for
5 summary judgment (doc. #33) is DENIED without prejudice.

6 DATED April 22, 2011.

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UNITED STATES DISTRICT JUDGE
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